



12-21-05

Attorney Docket No. BP0207-US3

[Handwritten signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRANSMITTAL COVER PAGE

Application Serial No: 10/765,267 Confirmation No. 9577
Date Filed: January 27, 2004
Application Title: Compositions And Kits Pertaining To Analyte Determination
Applicants: Pappin et al.
Group Art Unit: 1626
Examiner: Nyeemah, Grazier
Action Type: Office Action – non-Final
Action Date: September 19, 2005

Certificate of Mailing Pursuant to:
37 C.F.R. § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. ED 557927507 US in an Express Mail envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19th day of December, 2005.

[Handwritten signature of Brian D. Gildea]

Brian D. Gildea
Reg. No. 39,995

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:
Enclosed herewith, please find the following documents and sheets.

1. Supplemental Information Disclosure Statement, PTO-1449, copies of references as appropriate & authorization to charge the appropriate fee for consideration thereof (5 pages for IDS & PTO-1449 and 2 references).
2. Response to the Office Action mailed on September 19, 2005 (59 pages inclusive of Exhibits A-1, A-2, B, C-1, C-2, D-1, D-2, E-1 and E-2).

Respectfully submitted
On behalf of Applicants,

[Handwritten signature of Brian D. Gildea]

Brian D. Gildea, Reg. No. 39,995



Case No. BP0207US-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/765,267

Confirmation No.: 9577

Applicant(s) : Pappin et al.

Filed : 01/27/2004

TC/A.U. : 1626

Examiner : Nyeemah Grazier

For : **METHODS, MIXTURES AND
KITS PERTAINING TO
ANALYTE DETERMINATION**

Customer No. : 23544

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Date of Deposit: Dec 19, 2005

Signature: [Signature]

Name of Depositing Party: BRAND D. GILBERT
Reg No. 58,885

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (listed on the attached Form PTO/SB/08A) of which they are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies a new patent application submitted herewith.
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491.
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.
- (d) ☐ as far as is known to the undersigned, is filed before the mailing date of a first

- Office action after the filing of a request for continued examination under § 1.114.
- (e) ☒ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final action under §1.113, a notice of allowance under §1.311, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR §1.17(p) or a certification as specified in 37 CFR §1.97(e), as checked below. Should any fee be due, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**
- (f) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, but on or before the payment of the issue fee, and is accompanied by the fee (\$180) set forth in 37 CFR §1.17(i)(1) **and** a certification as specified in 37 CFR §1.97(e), as checked below. **This document is to be considered as a petition requesting consideration of the information disclosure statement.** The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**

[If either of boxes (e) or (f) is checked above, the following "certification" under 37 CFR §1.97(e) may need to be completed.] The undersigned certifies that:

- ☐ Each item of information contained in the information disclosure statement was first cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this information disclosure statement.

A copy of the items on PTO/SB/08A that are not United States Publications:

- ☐ are supplied herewith.
- ☐ are not supplied because they were previously cited by or submitted to the Office in prior application Serial No. _____, filed _____ and relied upon in this application for an earlier filing date under 35 USC §120.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

Date: Dec 19, 2005

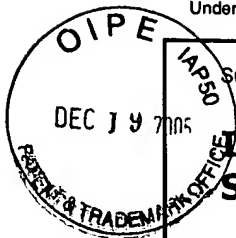
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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/765,267
				Filing Date	01/27/2004
				First Named Inventor	Pappin, Darryl et al.
				Group Art Unit	1626
				Examiner Name	Nyeemah Grazier
Sheet	1	of	2	Attorney Docket No.	BP0207US-03

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	AV	US2005/0049406	A1	Lerchen et al	03/03/2005	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	BY		EP0990047	B1	Qiagen Genomics, Inc.	02/04/1999		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. 100527_1.DOC

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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		Filing Date	01/27/2004		
		First Named Inventor	Pappin, Darryl et al.		
		Group Art Unit	1626		
		Examiner Name	Nyeemah Grazier		
Sheet	2	of	2	Attorney Docket No.	BP0207US-03

OTHER ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	GS	Theodora W. Greene & Peter G.M. Wuts, <u>Protective Groups in Organic Synthesis</u> 3 rd ed./ John Wiley & Sons, Inc. ©1999, ISBN 0-471-16019-9	

Examiner Signature	Date Considered
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